



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila

22 March 2011

MEMORANDUM

FOR : **THE DEPUTY SECRETARY GENERAL
FOR OPERATIONS**

ATTENTION : **THE EXECUTIVE DIRECTOR
PLENARY AFFAIRS BUREAU**

**THE SERVICE DIRECTOR
BILLS AND INDEX SERVICE**

FROM : **THE DEPUTY SECRETARY GENERAL
FOR COMMITTEE AFFAIRS**

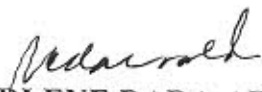
SUBJECT : **COMMITTEE REPORT NO. 880**

We are transmitting six (6) copies of the Committee Report submitted by the Committee on Aquaculture and Fisheries Resources on House Bill No. 4540 entitled:

"AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998"

in substitution of HB Nos. 176, 203, and 1518.

For your appropriate action.


ATTY. ARLENE DADA-ARNALDO
Deputy Secretary General

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

COMMITTEE REPORT NO. 880

Submitted by the Committee on Aquaculture and Fisheries Resources on 13 APR 2011

Re : House Bill No. 4540

Recommending its approval in substitution of HB No. 176, HB No. 203 and HB 1518

Sponsors: Reps. Benhur L. Salimbangon, Gloria Macapagal Arroyo, Diosdado Macapagal Arroyo, Luis R. Villafuerte, Augusto "Boboy" Syjuco, Lorenzo R. Tañada III, and Irvin M. Alcala

Mr. Speaker:

The Committee on Aquaculture and Fisheries Resources, to which were referred:

House Bill No. 176, entitled, "AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT 8550, OTHERWISE KNOWN AS THE FISHERIES CODE OF 1998", introduced by Rep. Gloria Macapagal Arroyo and Diosdado Macapagal Arroyo

House Bill No. 203, entitled, "AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998", introduced by Rep. Luis R. Villafuerte

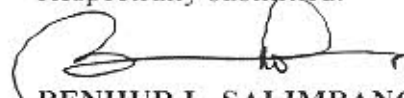
House Bill No. 1518, entitled, "AN ACT AMENDING SECTION 97 OF REPUBLIC ACT NO. 8550 OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998", introduced by Rep. Augusto "Boboy" Syjuco

has considered the same and recommends that the attached House Bill No. 4540 entitled:

"AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998"

be approved in substitution to House Bills Nos. 176, 203 and 1518, with Reps. Macapagal Arroyo (G.), Macapagal Arroyo (D.), Villafuerte, Syjuco, Tañada, and Alcala as authors thereof.

Respectfully submitted:



BENHUR L. SALIMBANGON

Chairman

Committee on Aquaculture and
Fisheries Resources

FACT SHEET

HOUSE BILL NO. ~~3066~~ 4540
(as of 16 March 2011)

AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998

Introduced by: REPS. MACAPAGAL-ARROYO, G., MACAPAGAL-ARROYO, D., VILLAFUERTE, SYJUCO, TAÑADA III, and ALCALA

Committee Referral: COMMITTEE ON AQUACULTURE AND FISHERIES RESOURCES

Committee Chairperson: REP. BENHUR L. SALIMBANGON

OBJECTIVES:

- To provide for the differentiation between artificially propagated or cultured stocks from those in the wild.
- To open up investment opportunities in the live marine fish industry sector, increase export earnings and provide livelihood to marginal fisherfolk

KEY PROVISIONS:

- Amends Section 97 of R.A. 8550 to declare unlawful the fishing, catching, gathering, selling, purchasing, possession, transportation and export of rare, threatened or endangered species as listed in CITES, IUCN and RA 9147.
- Exempts the taking, catching, gathering, selling, possession, transport and export of threatened and endangered species listed in CITES, IUCN and RA 9147, but which are artificially cultured and/or propagated/grown by man with the aid of research and technology from the penalties provided in this Act, for as long as the said species have not been transferred back to their natural habitat.
- Increases fines for violation of Section 91 and 97 from one hundred thousand pesos (P100,000.00) to five hundred thousand pesos (P500,000.00).
- Penalizes the head or captain and the personnel of a fishing vessel involved in the fishing and catching of such protected marine life with imprisonment of twelve (12) to twenty (20) years, forfeiture of catch, cancellation of fishing permit and fines stated above.
- Provides for the development of a fisheries resource management plan to include conservation and rehabilitation of each CITES listed specie.

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

Fifteenth Congress
First Regular Session

HOUSE BILL NO. 4540

Introduced by: Reps. Gloria Macapagal Arroyo, Diosdado Macapagal Arroyo, Luis R. Villafuerte, Augusto "Boboy" Syjuco, Lorenzo R. Tañada III and Irvin M. Alcala

AN ACT
AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550, OTHERWISE
KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

SECTION 1. Section 91 of Republic Act 8550, otherwise known as the Philippine Fisheries Code of 1998, is hereby amended to read as follows:

"SEC. 91. *Ban on Coral Exploitation and Exportation.* – It shall be unlawful for any person or corporation to gather, possess, sell or export ordinary precious and semi-precious corals, whether raw or in processed form, except for scientific or research purposes.

Violations of this provision shall be punished by imprisonment from six (6) months to two (2) years and a fine from [Two thousand pesos (P2,000.00) to Twenty thousand pesos (P20,000.00)] **ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00)** or both such fine and imprisonment, at the discretion of the court, and forfeiture of the subject corals, including the vessel and its proper disposition.

The confiscated corals shall either be returned to the sea or donated to schools and museums for educational or scientific purposes or disposed through other means.

IN CASE THE OWNER OR OPERATOR IS A PARTNERSHIP OR A CORPORATION, THE PENALTY HEREIN PROVIDED SHALL BE IMPOSED UPON THE PARTNERS OR UPON THE PRESIDENT AND GENERAL MANAGER. THE LIABILITY OF THE PERSONS HEREIN NAMED SHALL BE JOINT AND SOLIDARY."

1 SEC. 2. Section 97 of Republic Act 8550 is hereby amended to read as follows:

2 "SEC. 97. *Fishing or Taking of Rare, Threatened or Endangered Species.*

3 – It shall be unlawful to fish or take, CATCH, GATHER, SELL, PURCHASE,
4 POSSESS, TRANSPORT AND EXPORT rare, threatened or endangered
5 species, as listed AND DEFINED AS SUCH in the CITES, THE
6 INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND
7 NATURAL RESOURCES (IUCN), AND REPUBLIC ACT 9147
8 OTHERWISE KNOWN AS THE WILDLIFE ACT and as [determined]
9 IMPLEMENTED by the Department PURSUANT TO ITS PUBLISHED
10 RULES AND REGULATIONS.

11 THE TAKING, CATCHING, GATHERING, TRANSPORT AND
12 POSSESSION OF WILD SPECIES FOR SCIENTIFIC RESEARCH OR
13 ARTIFICIAL PROPAGATION PURPOSES MAY BE ALLOWED
14 SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY
15 THE DEPARTMENT: *PROVIDED*, THAT GATHERING, SELLING OR
16 EXPORTING CULTURED OR ARTIFICIALLY PROPAGATED SPECIES
17 THAT HAVE BEEN TRANSPLANTED TO THEIR NATURAL HABITAT
18 AND LISTED IN THE CITES, IUCN AND RA 9147 SHALL NOT BE
19 ALLOWED.

20 THE TAKING, CATCHING, GATHERING, POSSESSION,
21 TRANSPORT OR TRADE OF ARTIFICIALLY PROPAGATED AND
22 CULTURED SPECIES LISTED IN THE CITES, IUCN AND RA 9147 MAY
23 BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS
24 PROMULGATED BY THE DEPARTMENT.

25 CONSISTENT WITH CITES RULES AND REGULATIONS, A
26 NON-DETRIMENTAL FINDING (NDF) SHALL BE CONDUCTED
27 BEFORE ANY TRADE WILL BE ALLOWED TO THOSE SPECIES
28 LISTED UNDER APPENDIX II AND III OF THE CITES.

29 Violation of the provision of this section shall be punished by
30 imprisonment of twelve (12) years to twenty (20) years and/or a fine of [One
31 hundred and twenty thousand pesos (P120,000.00)] ONE HUNDRED
32 THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND
33 PESOS (P500,000.00), [and] forfeiture of the catch, and the cancellation of
34 fishing permit.

1 SHOULD THE CULPABLE VIOLATION BE COMMITTED
2 THROUGH OR BY A FISHING VESSEL MANNED BY MORE THAN
3 TWO (2) PERSONS, THE HEAD OR CAPTAIN OF THE BOAT AND THE
4 SUPPORT PERSONNEL THEREOF INVOLVED IN THE FISHING AND
5 CATCHING OF SUCH PROTECTED MARINE LIFE SHALL BE
6 PRESUMED TO HAVE COMMITTED THE PROHIBITED ACT AND
7 THE PENALTY PROVIDED FOR IN THE IMMEDIATELY PRECEDING
8 PARAGRAPH SHALL BE IMPOSED ON THEM.”
9

10 SEC. 3. The Department of Agriculture – Bureau of Fisheries and Aquatic Resources shall
11 promulgate the rules and regulations to implement this amendment within sixty (60) days
12 from the approval of this Act.

13 ———The Bureau of Fisheries and Aquatic Resources shall, in coordination with National
14 Fisheries and Aquatic Resources Management Councils (NFARMC), local government
15 units, private institutions and other government agencies concerned, initiate the development
16 of a fisheries resource management plan for each CITES listed species, indicating therein
17 conservation and rehabilitation measures.
18

19 SEC. 4. This Act shall take effect fifteen (15) days after its publication in two (2)
20 newspapers of national general circulation.
21

22 Approved,
23

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES
House Bill No. 176

Introduced by Representatives
GLORIA MACAPAGAL ARROYO and DIOSDADO MACAPAGAL ARROYO

EXPLANATORY NOTE

The Philippine fishery is renowned for its biodiversity. Because of its rich marine life, it has become an exploration haven for divers and scientists around the world. It has also contributed significantly to the economy and the livelihood of millions of Filipinos.

As a developing nation which is very dependent on its natural resources, there is an urgent need for the government to take stringent measures for the sustainable management and protection of these resources, particularly its aquatic resources.

Studies have shown that the country's ocean resources are generally in a very poor state due to overexploitation and the open access nature of fisheries and coastal resources. Fisheries resources are rapidly depleted as evidenced by the decline of catch around the country. Overfishing, illegal fishing and destruction of coral reefs, among others, threaten the country's fisheries production.

The government must take necessary steps to alleviate the condition of our marine resources. A tough legislative measure should be adopted to curb the bleak state that plagues our ocean resources

Immediate approval of this bill is fervently sought.


GLORIA MACAPAGAL ARROYO
Second District, Pampanga


DIOSDADO MACAPAGAL ARROYO
Second District, Camarines Sur

CONGRESS OF THE PHILIPPINES
FIFTEENTH CONGRESS
First Regular Session

HOUSE OF REPRESENTATIVES
House Bill No. 176

Introduced by Representatives
GLORIA MACAPAGAL ARROYO and DIOSDADO MACAPAGAL ARROYO

AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550,
OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998

*Be it enacted by the Senate and House of Representatives of the Philippines
in Congress assembled:*

SECTION 1. Section 91 of Republic Act No. 8550, otherwise known as the
Philippine Fisheries Code of 1998, is hereby amended to read as follows:

"SEC. 91. *Ban on Coral Exploitation and Exportation.* – It shall
be unlawful for any person or corporation to gather, possess, sell or
export ordinary precious and semi-precious corals, whether raw or in
processed form, except for scientific or research purposes.

Violations of this provision shall be punished by imprisonment
from six (6) months to two (2) years and a fine from [Two thousand
pesos (P2,000) to Twenty thousand pesos (P20,000)] **ONE HUNDRED
THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND
PESOS (P500,000.00)**, or both such fine and imprisonment, at the
discretion of the court, and forfeiture of the subject corals, including the
vessel and its proper disposition.

The confiscated corals shall either be returned to the sea or
donated to schools and museums for educational or scientific purposes
or disposed through other means."

SEC. 2. Section 97 of Republic Act No. 8550 is hereby amended to read as
follows:

"SEC. 97. *Fishing or Taking of Rare, Threatened or Endangered
Species.* – It shall be unlawful to fish or take, **CATCH, GATHER,
SELL, PURCHASE, POSSESS, TRANSPORT AND EXPORT** rare,
threatened or endangered species, as listed [in the CITES] **AND
DEFINED AS SUCH IN THE CONVENTION ON INTERNATIONAL
TRADE OF ENDANGERED SPECIES OF FLORA AND FAUNA,**

HEREINAFTER REFERRED TO AS CITES, THE INTERNATIONAL UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES (IUCN), AND REPUBLIC ACT NO. 9147, OTHERWISE KNOWN AS THE WILDLIFE ACT and as [determined] IMPLEMENTED by the Department PURSUANT TO ITS PUBLISHED RULES AND REGULATIONS.

THE TAKING, CATCHING, GATHERING AND POSSESSION OF WILD SPECIES FOR SCIENTIFIC RESEARCH OR ARTIFICIAL PROPAGATION PURPOSES MAY BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT: *PROVIDED*, THAT GATHERING, SELLING OR EXPORTING CULTURED OR ARTIFICIALLY PROPAGATED SPECIES THAT HAVE BEEN TRANSPLANTED TO THEIR NATURAL HABITAT AND LISTED IN THE CITES, IUCN AND RA NO. 9147 SHALL NOT BE ALLOWED.

THE TAKING, CATCHING, GATHERING, POSSESSION OR TRADE OF ARTIFICIALLY PROPAGATED AND CULTURED SPECIES LISTED IN THE CITES, IUCN AND RA NO. 9147 MAY BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT.

CONSISTENT WITH THE CITES RULES AND REGULATIONS, A NON-DETRIMENTAL FINDING (NDF) SHALL BE CONDUCTED BEFORE ANY TRADE WILL BE ALLOWED TO THOSE SPECIES LISTED UNDER APPENDIX II AND III OF THE CITES.

Violation of the provision of this section shall be punished by imprisonment of twelve (12) years to twenty (20) years and/or a fine of [One hundred and twenty thousand pesos (P120,000)] **ONE HUNDRED THOUSAND PESOS (P100,000.00) TO FIVE HUNDRED THOUSAND PESOS (P500,000.00)**, [and] forfeiture of the catch, and the cancellation of fishing permit.

SHOULD THE CULPABLE VIOLATION BE COMMITTED THROUGH OR BY A FISHING VESSEL MANNED BY MORE THAN TWO (2) PERSONS, THE HEAD OR CAPTAIN OF THE BOAT AND THE SUPPORT PERSONNEL THEREOF INVOLVED IN THE FISHING AND CATCHING OF SUCH PROTECTED MARINE LIFE SHALL BE PRESUMED TO HAVE COMMITTED THE PROHIBITED ACT AND THE PENALTY PROVIDED FOR IN THE IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED ON THEM."

SEC. 3. The Department of Agriculture-Bureau of Fisheries and Aquatic Resources shall promulgate the rules and regulations to implement this amendment within sixty (60) days from the approval of this Act.

The Bureau of Fisheries and Aquatic Resources shall, in coordination with the National Fisheries and Aquatic Resources Management Councils (NFARMC), local government units, private institutions and other government agencies concerned, initiate the development of a fisheries resource management plan for each CITES listed species, indicating therein conservation and rehabilitation measures.

SEC. 4. This Act shall take effect fifteen (15) days after its publication in a newspaper of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 203

Introduced by HONORABLE LUIS R. VILLAFUERTE

EXPLANATION

This bill reenacts House Bill No. 4250 which has been approved by the 14th Congress of the House of Representatives on 11 June 2008 and was transmitted to and received by the Senate on 17 June 2008.

The Republic Act 8550, better known as Fisheries Code of the Philippines of 1998, though enacted in recent years, has been found to be unrealistic, inadequate and does not take into consideration new developments in aquaculture. This observation was sternly and resoundingly aired in a seminar on Business Opportunities in Aquaculture held on the occasion of the 30th anniversary of the Aquaculture Department of the Southeast Asian Fisheries Development Center (SEAFDEC/AQD) held in Iloilo City on the 7th - 8th of July, 2003. While the seminar was not about RA No. 8550, some of its provisions were lengthily discussed by those who have invested in the culture of seahorse, a marine animal listed in the Convention of the International Trade in Endangered Species of Wild Fauna and Flora (CITES). When the subject on the oppressive tendencies of Sec. 97 of R.A. No. 8550 was brought out in the open forum, the delegates which included government officials, aquaculture stakeholders, foreign participants in their private capacities and Scientists of the Aquaculture Department of the SEAFDEC, drafted a resolution which was sent to Senators and members of the House of Representatives of the 12th Congress preparing amendments to said law.

The following observations were abstracted from their Resolution. They state:

"WHEREAS, Republic Act 8550 otherwise known as the Fisheries Code of the Philippines of 1998 was enacted for the development, management, and conservation of the fisheries and aquatic resources of the Philippines;

WHEREAS, Section 97 of RA 8550 states that "it shall be unlawful to fish or take rare, threatened or endangered species as listed in the CITES" (Convention on the

International Trade in Endangered Species of Wild Fauna and Flora), thus penalizing such acts under pain of imprisonment and fine;

WHEREAS, the inclusion of species in the CITES list is for the purpose of regulating international trade in specimens of these selected species by developing a licensing system to insure that their trade is sustainable;

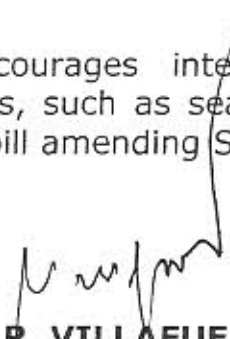
WHEREAS, many marines species of the Philippines such as the giant clams (genus *Tridacna*), corals, whale sharks among other local wild fauna are presently listed in CITES and soon seahorses (genus *Hippocampus*) in May 2004;

WHEREAS, SEAFDEC/AQD and other government agencies have been successful in the development of technologies for the artificial propagation of a number of marines species, such as seahorses, abalone and the giant clams, that may be commercially raised by aquaculture investors;

WHEREAS, the inclusion in CITES of any of these marine species will threaten the livelihood of many municipal fishers gathering wild stocks and will end the promise of artificially propagating such species because Section 97 of RA 8550 does not distinguish between artificially propagated or cultured animals and those fished from the wild;

WHEREAS, there is therefore an urgent need to amend the law such that the prohibited act shall consist only of the fishing or taking of wild specimens and shall exclude the same species produced by artificial propagation;"

In the light of the foregoing, which discourages interested businessmen from adopting aquaculture technologies, such as seahorse culture and similar industries, early approval of this bill amending Section 97 of RA 8550 is earnestly requested.



LUIS R. VILLAFUERTE

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS
First Regular Session

HOUSE BILL NO. 203

Introduced by HONORABLE LUIS R. VILLAFUERTE

AN ACT AMENDING SECTIONS 91 AND 97 OF REPUBLIC ACT NO. 8550, OTHERWISE KNOWN AS THE PHILIPPINE FISHERIES CODE OF 1998

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

1 **SECTION 1.** Section 91 of Republic Act No. 8550, otherwise known
2 as the Philippine Fisheries Code of 1998, is hereby amended to read as
3 follows:

4 "SEC. 91. *Ban on Coral Exploitation and Exportation.* -
5 It shall be unlawful for any person or corporation to gather,
6 possess, sell or export ordinary precious and semi-precious
7 corals, whether raw or in processed form, except for scientific or
8 research purposes.

9 Violations of this provision shall be punished by
10 imprisonment from six (6) months to two (2) years and a fine
11 from [Two thousand pesos (P2,000) to Twenty thousand pesos
12 (P20,000)] **ONE HUNDRED THOUSAND PESOS**
13 **(P100,000.00) TO FIVE HUNDRED THOUSAND PESOS**
14 **(P500,000.00),** or both such fine and imprisonment, at the
15 discretion of the court, and forfeiture of the subject corals,
16 including the vessel and its proper disposition.

1 The confiscated corals shall either be returned to the sea or
2 donated to schools and museums for educational or scientific
3 purposes or disposed through other means."

4 **SEC. 2.** Section 97 of Republic Act No. 8550 is hereby amended to
5 read as follows:

6 "SEC. 97. *Fishing or Taking of Rare, Threatened or*
7 *Endangered Species.* - It shall be unlawful to fish or take,
8 **CATCH, GATHER, SELL, PURCHASE, POSSESS, TRANSPORT**
9 **AND EXPORT** rare, threatened or endangered species, as listed
10 [in the CITES] **AND DEFINED AS SUCH IN THE CONVENTION ON**
11 **INTERNATIONAL TRADE OF ENDANGERED SPECIES OF FLORA AND**
12 **FAUNA, HEREINAFTER REFERRED TO AS CITES, THE INTERNATIONAL**
13 **UNION FOR CONSERVATION OF NATURE AND NATURAL RESOURCES**
14 **(IUCN), AND REPUBLIC ACT NO. 9147, OTHERWISE KNOWN AS**
15 **THE WILDLIFE ACT** and as [determined] **IMPLEMENTED** by the
16 Department **PURSUANT TO ITS PUBLISHED RULES AND REGULATIONS.**

17 **THE TAKING, CATCHING, GATHERING AND POSSESSION OF WILD**
18 **SPECIES FOR SCIENTIFIC RESEARCH OR ARTIFICIAL PROPAGATION**
19 **PURPOSES MAY BE ALLOWED SUBJECT TO THE RULES AND REGULATIONS**
20 **PROMULGATED BY THE DEPARTMENT: PROVIDED, THAT GATHERING,**
21 **SELLING OR EXPORTING CULTURED OR ARTIFICIALLY PROPAGATED**
22 **SPECIES THAT HAVE BEEN TRANSPLANTED TO THEIR NATURAL HABITAT**
23 **AND LISTED IN THE CITES, IUCN AND RA No. 9147 SHALL NOT BE**
24 **ALLOWED.**

25 **THE TAKING, CATCHING, GATHERING, POSSESSION OR TRADE OF**
26 **ARTIFICIALLY PROPAGATED AND CULTURED SPECIES LISTED IN THE**
27 **CITES, IUCN AND RA No. 9147 MAY BE ALLOWED SUBJECT TO THE**
28 **RULES AND REGULATIONS PROMULGATED BY THE DEPARTMENT.**

29 **CONSISTENT WITH THE CITES RULES AND REGULATIONS, A NON-**
30 **DETRIMENTAL FINDING (NDF) SHALL BE CONDUCTED BEFORE ANY**
31 **TRADE WILL BE ALLOWED TO THOSE SPECIES LISTED UNDER APPENDIX**
32 **II AND III OF THE CITES.**

1 Violation of the provision of this section shall be punished
2 by imprisonment of twelve (12) years to twenty (20) years
3 and/or a fine of [One hundred and twenty thousand pesos
4 (P120,000)] **ONE HUNDRED THOUSAND PESOS (P100,000.00) TO**
5 **FIVE HUNDRED THOUSAND PESOS (P500,000.00),** [and] forfeiture
6 of the catch, and the cancellation of fishing permit.

7 **SHOULD THE CULPABLE VIOLATION BE COMMITTED THROUGH OR**
8 **BY A FISHING VESSEL MANNED BY MORE THAN TWO (2) PERSONS, THE**
9 **HEAD OR CAPTAIN OF THE BOAT AND THE SUPPORT PERSONNEL**
10 **THEREOF INVOLVED IN THE FISHING AND CATCHING OF SUCH**
11 **PROTECTED MARINE LIFE SHALL BE PRESUMED TO HAVE COMMITTED**
12 **THE PROHIBITED ACT AND THE PENALTY PROVIDED FOR IN THE**
13 **IMMEDIATELY PRECEDING PARAGRAPH SHALL BE IMPOSED ON THEM."**

14 **SEC. 3.** The Department of Agriculture – Bureau of Fisheries and
15 Aquatic Resources shall promulgate the rules and regulations to
16 implement this amendment within sixty (60) days from the approval of
17 this Act.

18 The Bureau of Fisheries and Aquatic Resources shall, in coordination
19 with the National Fisheries and Aquatic Resources Management Councils
20 (NFARMC), local government units, private institutions and other
21 government agencies concerned, initiate the development of a fisheries
22 resource management plan for each CITES listed species, indicating
23 therein conservation and rehabilitation measures.

24 **SEC. 4.** This Act shall take effect fifteen (15) days after its
25 publication in a newspaper of general circulation.

Approved,

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 1518

Introduced by REP. AUGUSTO BOBOY SYJUCO, Ph. D.

EXPLANATORY NOTE

This bill seeks to amend Section 97 of Republic Act No. 8550, otherwise known as "The Philippine Fisheries Code of 1998." It states that "it is unlawful to fish or take rare, endangered species as listed in the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)."

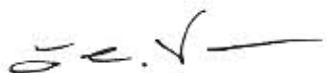
As an international trade management tool, CITES aims to protect wildlife from the detrimental effects of over - exploitation, ensure sustainable utilization, and encourage international cooperation. It implements the convention through special lists called Appendices according to the level of threat faced by each species. Appendix I lists species that are endangered, Appendix II lists those that may become endangered if trade is not managed, and Appendix III lists species at the request of countries requiring assistance in conservation management.

Unfortunately, Section 97 of the Philippines Fisheries Code does not distinguish between species that are listed on Appendix I as endangered and those that are included in Appendix II as needing trade regulation. Section 97 currently prohibits the collection and fishing of all species listed in the multilateral Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES). The resulting automatic ban on the collecting or fishing of all listed species conflicts with the intention of CITES, which is to manage sustainable trade. Furthermore, it limits the capacity of various government agencies to practice proactive management and prohibits any use, including mariculture and aquaculture, of the listed species.

The de facto ban on collection, fishing and trade of species will penalize fishers unfairly. They must either become criminals or transfer their fishing effort unnecessarily to other resources, many of which are already depleted. Although superficially advantageous to the recovery of the species, the ban is also likely to promote illegal trade. The archipelagic nature of our country and a shortage of financial resources would make it both costly and difficult to implement trade surveillance and enforcement of these unfortunate ban efforts.

Under a revised Section 97, national authorities could permit either low or high levels of trade, monitored and managed for sustainability.

Thus, expedient approval of this bill is earnestly sought.



AUGUSTO BOBOY SYJUCO, Ph. D.
2nd District, Province of Iloilo

Republic of the Philippines
HOUSE OF REPRESENTATIVES
Quezon City

FIFTEENTH CONGRESS

First Regular Session

House Bill No. 1518

Introduced by REP. AUGUSTO BOBOY SYJUCO, Ph. D.

**AN ACT AMENDING SECTION 97 OF REPUBLIC ACT 8550
OTHERWISE KNOWN AS THE FISHERIES CODE OF 1998**

*Be it enacted by the Senate and House of Representatives of the Philippines in
Congress assembled:*

SECTION 1. Section 97 of Republic Act 8550 otherwise known as "THE FISHERIES
CODE OF THE PHILIPPINES OF 1998" is hereby amended to read as follows:

"Section 97. Fishing or Taking of Rare, Threatened or Endangered Species. – It
shall be unlawful to fish, CATCH, GATHER, SELL, PURCHASE, POSSESS,
TRANSPORT AND EXPORT rare, threatened or endangered species as listed in CITES
APPENDIX I and as determined by the Department."

"CONSISTENT WITH CITES RULES AND REGULATIONS, A NON –
DETRIMENTAL FINDING (NDF) SHALL BE CONDUCTED BEFORE ANY TRADE
WILL BE ALLOWED TO THOSE SPECIES LISTED UNDER APPENDIX II AND III
OF THE CONVENTION.

THE BUREAU OF FISHERIES AND AQUATIC RESOURCES SHALL, IN
COORDINATION WITH THE NFARMC, LGUs, PRIVATE INSTITUTIONS AND
OTHER GOVERNMENT AGENCIES CONCERNED, INITIATE THE
DEVELOPMENT OF A FISHERIES RESOURCE MANAGEMENT PLAN FOR

EACH CITES LISTED SPECIES, INDICATING CONSERVATION AND REHABILITATION MEASURES.”

“Violation of the provision of this section shall be punished by imprisonment of twelve (12) years to twenty (20) years and/or fine of One Hundred and Twenty Thousand (P120,000.00) Pesos and by forfeiture of the catch, the confiscation and cancellation of the fishing permit.”

SECTION 2. THE DEPARTMENT OF AGRICULTURE – BUREAU OF FISHERIES AND AQUATIC RESOURCES SHALL PROMULGATE THE RULES AND REGULATIONS TO IMPLEMENT THIS AMENDMENT WITHIN SIXTY (60) DAYS FROM THE APPROVAL OF THIS AMENDMENT.

SECTION 3. THIS ACT SHALL TAKE EFFECT FIFTEEN (15) DAYS FOLLOWING ITS PUBLICATION IN THE OFFICIAL GAZETTE OR IN ATLEAST TWO (2) NEWSPAPERS OF GENERAL CIRCULATION. .

Approved,